G. R. S. IX-5]

Previous references.

File No. 66-19

1919.

Serial Nos. 142

Later references.

Lrs 10-19 (30, 36, 42, 43)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

Part B for January 20

SUBJECT.

Amendments to the Rules issued under the LB + OP Regulation.

To The Commissioner Mysore Cantt.

No. R. 82-91 & 27/1/20

Notifies that a clause be added at the end of rule (66) of the Rules Regulating elections to Taluk Bds by holders, proprietors of land &c.

The President Dt. Boards.

Forwards copy of the above for information

No. R. 82-92-9 D 27/1/20.

Ordered to be filed.

W D 1250—GPB—30,000 28-1-19

Bds 28/2/20 Rg/3

G. R. S. III—1] 1915-20

GENERAL AND REVENUE SECRETARIAT.

(LB)

NOTES.

File No. 55/15

FILE HEADING.

Amendments to the rules
-ished under the L.B. & V.P. Rgn

From

No. Dated Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D No. 6007

Letter No. ROC 575/19-20 d/ 16th Oct 1919 from the D. G. of Police in Mysore forwarding the appln of Mr. V. S. Sanjeeva Rao, for the place of a District Board Member.

Subd.
This may be transferred to the Revenue Secretariat, as it is in connection with the prayer of the applicant for election to the Dist Board

BBR
13/10

To the Supdt, Rev Sects, with compliments
AdR
08/10

3) Mr Sanjiva Rao says in the last sentence of his petition to the D. G. of Police that he wants his character back and prays that he may be reinstated. In other words it means that the ord

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

3

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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of the then I. G. of Police, dismissing him should be withdrawn or cancelled. This question has therefore to be considered in the first instance in the Police Section of the Chief Secrett.

4) So long as he is a dismissed public servant he is declared ineligible for election as a member of a Local Board [vide rule 6 (5) of the Rules under the L.B. Regn of 1918]

6) So far as the applicant seeks for a reconsideration of the order of dismissal on its merits, it must first be said that such a request made 11 years after the date of the order cannot prima facie be sustained. (7) The application does not set out how the circumstances referred to in the order are of no weight, beyond referring to the existence of prejudice. (8) I am afraid sufficient reasons do not exist to reopen the matter. (9) It is however quite a different matter in regard to revoke the disability created by the dismissal & render the applicant eligible for candidature to local bodies &c. &c. in future.

24/10/29

5) It is true no person & Govt. can revoke the disability arising in such cases. Please study analogous cases in interpreting provisions & put up.

MK 27/10/29

18/10/29

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 1233—GPB—60,000—1-12-16—S.

Serial No.

(10) The law relating to the disqualifications of candidates from being elected as members of Local Self-governing institutions on account of dismissal from service is contained in the following sections of the several enactments noted below:—

(11) Bombay and Burma:— Sections 11 (a) (i) & (ii) and 15 (a) (i) & (ii) of the Bombay Local Boards and District municipalities Act relate to this question. Provision has been made in the Statute empowering the Local Govt to remove the disqualification by an executive order. In Burma, dismissal from service is a disqualification for membership but it may on application be revoked by the Local Govt (vide section 11 (i) of the Municipal manual).

(12) Madras:— There is no provision in the Local Boards Act prohibiting a dismissed person from standing as candidature. In the election rules of the District municipalities, a Govt servant dismissed from service is declared ineligible for membership (vide election rules in Hammick's municipal manual).

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

5

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191 .

Serial No.

no provision has been made in the Act itself empowering Govt to revoke the disability. But distinct provision has been made in section 49 (1) of the proposed District municipalities bill to the effect that the disqualification may be removed by Govt.

(13) The Punjab and the Central Provinces:— The municipal Acts of these two provinces are silent on this point. Provision has however been made in the election rules rendering a dismissed person ineligible for membership. Govt have no power to interfere in the matter. But these rules are according to the exingencies of time, liable to be changed at any moment on the motion of the municipal councils with greater ease than the Statute itself

(14) Ceylon:— Ceylon is uniquely rigid in this respect that in the ordinance of Local Self Govt, it has been declared that a dismissed person is once for all disqualified from membership for the

(15) South Borough Committee on franchise:—

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

6

G. R. S. III-2

General and Revenue Secretariat. | File No. | of 191

Serial No.

In the report of this Committee, it is stated that dismissal from Service is a disqualification for candidature to the Legislative Council. But the Local Govt have power to remove the same similar provision has been made in the rules issued recently for the election of members to the Local Legislative Council by each of the eight Districts (vide rule 3 e of thereof)

(16) Mysore:— Section 15 (2) of the Mysore municipal Regulation VII of 1900 empowers Govt to remove the disability arising in such cases. There is however want of a corresponding provision in the Local Boards & Village Panchayet Regn of 1918. But Govt have power under Section 37 (a) of the said Regulation to frame rules to meet the requirements of such occasions.

(17) A copy of the election rules under the L.B. Regn together into the proposed amendments is submitted for orders (vide page 7 thereof).

(18) Unless the rules are suitably altered, the petitioners request that he

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

2758.

G. R. S. III-2

General and Revenue Secretariat. | File No. | of 191 . .

Serial No.

may be made eligible for membership of the Local bodies Cannot be considered.

(89) Subd for orders.—

JnG 26/11/1919 (Rewsee)

MK 1.12.19

(90) As the rules stand at present there the petr's request does not admit of compliance.

(91) It is for consideration whether an addition need be made to the rules to provide for such cases on the analogy of the provisions of the Mysore Regn & the enactments of other British Provinces.

(92) So far as the merits of the petr's case go, the petr would not seem to be entitled to consideration even if the rules are amended. The facts set out in the Dy Comr's order are of a serious nature and can not be disposed of as lightly as the petr would seem to indicate.

WM 9.12.19

2nd member

(93) As the rules are amended, there is no

As the petition of Mr Sanjivarao requesting that he may be made eligible for membership to the R.B. is also put up—

Note revised in accordance with the instructions of the Asst Secy—

JnG 26/11/19

2855 9-12-19

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

2758

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

Serial No.

for. There is no provision in the rules for exemption. But the rules should be amended. As they now stand, a member elected of a petty municipal area such as drawing at negligible emolument or dismissed from service is debarred by right ~~Under qualification~~ from becoming a member of the Board. ~~Amended~~ Draft rule amending the present rule may be submitted. In the rules I find no qualifications prescribed for the members of the District Board ~~—~~ probably because the elected members would also members of the Taluq Boards for whom qualifications have been prescribed. But there are members nominated by the Govt & the members elected by the Municipalities. The members & the Taluq would necessitate separate rules may be framed & submitted.

Extract taken separately for working 11/2 — 1919/1920

Veh 11/12 MM

(2) The following clause shall be added at the end of Rule I 1 (ii) page 6 of the rules :—

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

2758

9

'G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

"such sentence or order not having been subsequently reversed or quashed and whose disqualification on account of such sentence or order has not been removed by an order which the Govt is hereby empowered to make if it shall think fit in this behalf"

(25) the following clause shall be inserted at the end of rule 6(b) page 7 of the rules.

"Provided that Govt may by an order (which it is hereby empowered to make) if it shall think fit in this behalf relieve a person from disqualification arising under clauses (b) of (26) A copy of the rules together with the proposed amendments is put up for order with reference to para 23 supra.

Sd/-
19/12/19

(27) Amendment & Election rules are herewith submitted. The other items will be put up separately.

MK
9/12

2980
20-12-19

(28) This is not necessary as this is given under the rules. This will apply in cases where such sentences or orders are not subsequently quashed or reversed. This is suppressed. In the present draft it is proposed to limit the Govt's powers in such cases.

(29) agreed (vide page 6 & thereof)

NOTE—Contn. sheet.

(30) Second amendment to rule 6(b) is

2758

G. R S. III-2]

General and Revenue Secretariat. | LB File No. 66 of 1919.

Serial No.	
	applicant, but the clause 'which is being imposed under' may be deemed not to cover the case already imposed under 37(a) under the necessary rule in this behalf. The provision is also urgent in the interest of Republic, but not the

Mehta
22/12 MM

31) A draft notification is submitted for approval.

MM
23/12/919 5/1/20

(Second number) 32 appd

3212
4-1-20

Mehta

33) Mr Sampat has suggested that rules will be amended through the Assembly put in the applic

Mehta
24/1 (34) (if necy.)
MM
(35) DJC
17/1

2 To the Compiler, My case file No R 8291 dt 27-1-920. Notes that a clause be

NOTE—Contn. sheet.

2758

11

G. R. S. III-2]

General and Revenue Secretariat. | LB File No. 66 of 1919

Serial No.

be added at the end of rule 66 of the rules regulating election to Taluk Boards by holders of proprietary land etc."

To

The Presidents of Dist Boards

No LB 2929-9 Dt 27-1-1920.

Forwards for info copies of the above.

36) With refce to para 33, it is submitted that the Kadur Dist Board of which Mr Sanjiva Rao wanted to became a member has already been constituted & that proposals to fill the remaining seats have also been recd.

flag D

37) Now that the rule has been amended, it is a point for consideration whether Mr Sanjiva Rao should be given the benefit of the proviso, in which case a G.O. removing the disqualification has to be issued.

38) Submd for orders.

SRA
30/1/20

~~Mr Sanjiva Rao has not yet sent his nomination papers.~~

~~He proceeded on his leave from~~

~~He proceeded to his home~~

~~He proceeded on leave~~

NOTE—Contn. sheet.

(39) Why has the order indicated in Para 33 not been attended to? Please do so at once. CM 10-2-20.

2758 13

G. R. S. III-2]

General and Revenue Secretariat. | MB. File No. 66 of 1919

Serial No.	
	(45) The need for considering the application has passed, & no object is served by sending a reply to Mr Sanjiva Rao now.
	(46) There is now provision in the rules to ~~grant~~ relieve persons from the disqualifications specified and if at any future time Mr S. Rao renews his applⁿ it may be considered & orders passed.
	(47) The papers may be lodged now —
	24.2.20
	(48) Submitted to the Asst Secy for transmission before filing
	24/2/1920

13

24/

NOTE—Contn. sheet.

CB 371

Dev 2758
27-10-19

To

Sjt. Kanakaraja Pillai
D.A.C.S.D
Camp of Mysore
Mysore

Under Lr 66-19-1
Under Lr
Mys
21.10.19

Resident
previous petition is
forwarded to the
Govt (A.R. Scolton).

Sir,

I beg the permission to request and the favour an opportunity to place my humble services and to co-operate with the Government in the spread of Nigah work & ideas.

I wanted to enter the Representative Assembly this year, on behalf of the Malnad Land Holders Association which has been graciously given the privilege of electing a member. And I did not like to lower the dignity of the

Respectfully as there is a
defect in my character,
myself having been
dismissed 9 years ago
from the Police service
in Kolar district, on
robbery complaint.
I have submitted an
application for reinstatement
and the same has been
recommended by the S.P.
of Police. I do not mark
reinstatement in service
in the subordinate results
but the defect in character
must be removed. The
I have since the 28 instant
(28th) for electing a member
to the District Board of Kadur.
It is a formal affair and
everything is in my favour.
I beg for early orders on my application
I have to remain
Sir
Your most obedt servant.

17.11.19
Mysore

Examiner
Ors correspondence

R.O.C No. 575/9-20 Encl

Office of the Inspector General of Police in Mysore,

Dated Camp Mysore, 1st October 1919.

6007

From

A. Subrahmanya Iyer, Esqr., B.A.,

Offg. Inspector General of Police in Mysore.

To

C. S. Balasundaram Iyer, Esqr., B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Sir,

I have the honour to enclose an application to me by Mr. V. S. Sanjiva Rao, who was once a Police Jamedar, requesting that he might be recommended to be a District Board member, though dismissed from service and declared ineligible for re-employment.

2 The circumstances of his dismissal will be clear from the enclosed copy of a Memo of the Deputy Commissioner, Kolar District, and the remarks thereon of the then Inspector General of Police.

I have the honour to be,

Sir,

Your most obedient servant,

Offg. Inspector General of Police.

WD 0463—GPB—3,00,000—21-7-17—S.

191

From The Inspector General of Police in Mysore

To The Chief Secretary to the Govt. of Mysore Bangalore

Dated

Despatched 6th October 19

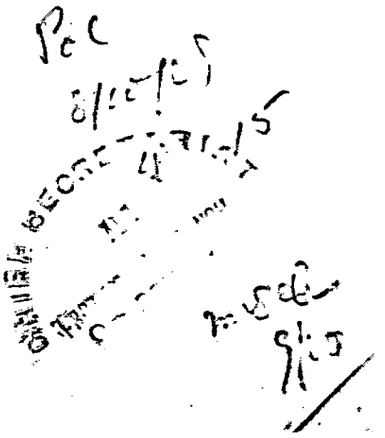
Received

General No. Roc 575/1917-20 Sec. Dept. to Govt

No.

Enclosure No. 2 7 - OCT 19

Forwarding the application of Mr V. S. Sanjeeva Rao, who was once a Police Jamedar.



5.2.76

To

The Inspector General of Police
in Mysore
Bangalore

Sir,

I beg to inform You that I was a police officer for 13 years, having served in the districts of Bangalore, Kadur and Kolar districts and was thrice dismissed, twice reinstated, but on the last occasion, owing to the false papers thereby repeatedly laid for I am dismissed, on nobody's complaint and I underline those 3 words.

I am not now anxious to re-enter service, but am very anxious to set back my character, which was needlessly blasted by mischievous interference. I use the word interference advisedly as

Submitted
with Memorandum
Correspondence
HR 8/9/19

Subs
Records claim been called for from the P.
Tirthahalli (vide No
5757/19-20 of 8.9.19.
HR 10/9/19

the Salem himself was later on
transferred to an Excise
abkarithirich.

My work now is abbreviated
by Executive and I crave
a [illegible] I am asked to stand
for election to the Dis Trich
Board, where I stand a
chance of being elected
I am declared ineligible
for reentry into service.
The matter was received with
Great prejudice, from Most bottom,
which is evident when I say
that the I. G. of Police even, refused
to Grant me my travelling allowance
and was obliged to sanction
the same immediately when
I supported my claim on
the strength of the opinion of
the Hon - the Advocate General
of Madras.
I should like to labour the point
and further but only pray for
Giving me back my character
I pray for a recommendation of the
Government that I may be reinstated
and declared eligible for entry into Public
Service, not as an official but as a Member
of this District Board etc
Bangalore
8. 9. 19

I beg to
Your most obedt servant
[illegible]

No. C. 29

Deputy Commissioner's Office,
Kolar District,
Dated Kolar, 29th July 1908.

Official Memorandum.

Read:-

Assistant Superintendent's Memo dated the 19th April 1908, anent torture of one Muniga by 2nd grade Jamedar V. S. Sanjiva Rao, and the records connected with the case.

---

1. On 1st February 1908, Jamedar Sanjiva Rao arrested five persons, viz., Pool Sab, Manjali, Subba, Muniga & Bhangonu, suspected of having committed an offence of house-breaking & theft in Chokkahalli village, Kolar Taluk, and produced them before the 1st Class Magistrate, Malur Sub Division, late in the evening of the 2nd February 1908, and got a remand for 10 days. At the time of the admission of these accused persons to the District Lock-up, on the morning of the 3rd February, the Lock-up Officer (who happens to be the District Medical & Sanitary Officer) found on the body of the 4th accused Muniga six marks of severe injury, these marks not having been shown by the accused to the Magistrate the previous evening, owing to the presence of the Police at the time.

x

1. Right arm - Posterior part of the upper arm & the whole of the upper half of the forearm considerably swollen and oedematous.
2. Left arm - Entirely swollen & oedematous, swelling extending from near the shoulder to the middle of the forearm.
3. Several irregular superficial bruises over the posterior aspect of the left upper arm with 2 small striped bruises on the top of them.
4. A small bruise, supperating, on the top of the head a little to the left side.
5. The right middle finger (tip) bruised and swollen.
6. Two small grazes, one on the root of the right index finger on its dorsal surface and the other immediately below the right knee-cap.

x

2. On the 10th February 1908, on the motion of the accused, through their Pleader, complaining of maltreatment, torture

Judl. Dept. Memorial & Secy. Officer's letter No.3014 dated 19th April 08, to the Asstt. Supt. of Police.

the 4th accused Munigs brought admission into the Civil Hospital as an out-patient, and subsequently became an in-patient from the 12th idem, owing to the enormity of the injuries he had received. Immediately afterwards, the Tamedar sent to the District Medical Officer and prevailed upon that Officer to discharge the patient from the Hospital, alleging that the patient was anxious to get treated in the Bangalore Victoria Hospital etc., and then took him in a Jutka to Vengal and thence had him removed to Madamangala, where the patient was looked after for 38 days by the Tamedar and Constable Balaram of Madamangala Station.

3. No progress in the detection of the house-breaking and theft case having been shown, the District Magistrate, in his Memo No. 5500 dated 6th March 1908, called for a report as to what steps had been taken to detect the case, when careful & close enquiries set on foot brought the foregoing facts to light. The records are clear and speak for themselves. Five witnesses deposs to having seen the accused Munigs severely beaten and tortured on 1st and 2nd February 1908, at Seepur, by Tamedar Sanjiva Rao and at his instance by Constable Yakub Khan and Revenue Peon Munisamy of Kolar Taluk, and all other circumstances attendant on the case and the District Medical and Sanitary Officer's testimony conclusively show that the Tamedar, fearing that the accused while at large on bail would complain to the Higher authorities and disclose how he had sustained the injuries on him, managed to take him away from the Hospital and kept him under surveillance far away from his place, for so long as 38 days, until the wounds on his body had healed.

4. My own subsequent enquiries also make me convinced that the Tamedar did inflict brutal injuries on Munigs, amounting almost to fracture of bones, for purposes of extracting

21

confession, and his hardhearted brutality is only equalized by his audacious mendacity in ignoring all knowledge of facts or of having tried to come round the District Medical Officer, whose and so many other independent disinterested witnesses' testimony it is impossible to ignore.

5. As it is too dangerous to have a man of his stamp in the Police Force, I direct that he be dismissed from service, from the date he has been under suspension.

Sd/ C. Srikantesvara Aiyar,

Deputy Commissioner,
Kolar District.

28.8.08
No 12122
5-3
To

OFFICE OF THE INSPECTOR GENERAL OF POLICE IN MYSORE
Rec'd No. 59
Date 31-7-08.

No C. 30
Dy 29.7.08

Enc: 3 & 1 file -

To

Memorandum.

Copy forwarded to the Inspector General of Police in Mysore, with reference to his Office Memorandum No. 7794/429 dated the 24th June 1908, with the Asst. Superintendent's Memo referred to in the above and the file of papers connected with the case. The petition received with the Inspector General's Memo and the service book of the petitioner are ~~also enclosed~~.

Sri Kantesvaraiya

Deputy Commissioner,
Kolar District.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT
( )
the 191 .

Date of issue 27.1.20

Signed by Mr B Ramachandra Aiyar

Section
File No.
Serial No. 2

No. R&E 2910 27.1.20

Notification

In exercise of the powers conferred by Section 37 (a) of the L.B. & V.P. Regulation II of 1918, the Governor in Council is pleased to direct that the following clause be added at the end of rule 6(b) of the rules regulating

P.T. over.

elections to Taluk
Boards by Rulers,
proprietors of land etc
issued under notification
No 7559/LB 54-18-1
dated 18th December 1919.

"Provided that
Government may by
an order, (~~if it shall~~
~~think fit~~) issued in this behalf
relieve a person
from disqualification
arising under clauses
(b) and (f)."

(omitting subject to approval)

By order,

mc 5/1/20
In Secy to Govt
Rev dept

List of enclosures.

do.

The compiler requests for
publication in the Gazette and
a request that 300 copies thereof may be
sent to the Secretary
Revenue

R 6292-9

Copy of the above is
forwarded to the Presidents
of Dist Boards for info.

Copied by

Examined by

VD 1744—GDB—30,000—19-3-19

mc 5/1/20
In Secy to Govt
Rev dept